

S/N 09/922,438  
Response to Final Office Action of December 1, 2003  
Amendment After Final Rejection dated January 30, 2004  
Attorney Docket 56111US002 (7780.631US01)

### REMARKS

Claims 1, 12, 16, 25 and 26 have been amended and claims 8 and 9 have been canceled. Claims 1, 4-7, 11-12, 14-16 and 25-30 are pending. Examination of the application, as amended, is requested.

These amendments should be entered because they will place the application either in condition for allowance or in better form for appeal.

### 103 Rejections

Claims 1-6 and 9-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein (WO 01/31393) in view of Hayashi (U.S. Patent No. 6,204,903). Applicants assume that claim 25 is also included in this rejection.

Applicants disagree with this rejection.

Pending claims 1, 12 and 16 have been amended to better clarify that the height of the composites, along the x-direction, varies as a sine curve or a cosine curve. Pending claim 25 has been amended to better clarify that the height of the composites includes curved surfaces extending in the x-direction. The pending claims, as amended, generally recite prismatic structures extending generally along the x-axis, having a spacing along the y-axis between adjacent prismatic structures, and having a height (in the z-direction) varying along the x-axis in a repeating sine or cosine wave. Additionally, pending claims 1, 12, 16 and 25 have been amended to clarify that the height variation of the composites, along the y-direction, includes curved features or facets. See for example, FIG. 10A of the application where such a structure is illustrated.

The Examiner states that the repeating period of Epstein, in the x-direction (left to right across the page) can be considered to be a rough sine wave in that the wave goes up and down to the same maximum and minimum. Applicants do not agree that the prismatic structure of FIG. 3 of Epstein is a sine wave. However, to better clarify, claims 1, 12 and 16 have been amended to recite "a sine curve" and "a cosine curve", indicating that each of the sine wave and cosine wave has curved surfaces. Claim 25 has been amended to recite a "curved surface". Non linear

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surfaces or facets, such as illustrated in FIG. 3 of Epstein, are not defined by a sine curve or cosine curve (claims 1, 12, and 16) and do not have curved facets (claim 25).

The Examiner turns to FIG. 4 of Hayashi for the use of a repeating elongated prismatic structure with spacing along the y-axis, with the y-axis being diagonally right from the front to back of the structure. Hayashi shows spacing between individual peaks on the structure surface.

The combination of Epstein with Hayashi, however, does not provide the structure recited in the pending claims. The combination does not provide a plurality of composites that have a height that varies in a sine or cosine wave as the composite extends in the x-direction and that varies with a curve in the y-direction; see FIG. 10A of the application for a representative structure having such features. The combination of Epstein with Hayashi, as combined by the Examiner, would provide angularly stepped composites with flat surface facets (extending in the x-direction from left to right of FIG. 3 of Epstein) that are spaced from each other into the page (in the y-direction). The combination would not provide a structure having composites with a height variation as claimed.

The claims are allowable over the combination of Epstein and Hayashi, and least for the reasons provided.

Claims 7-8 were rejected as unpatentable over Epstein in view of Hayashi and further in view of Fong (U.S. Patent No. 6,280,063). To facilitate prosecution of this application, claims 7 and 8 have been canceled, without prejudice. Withdrawal of this rejection is requested.

### SUMMARY

Applicants submit that all the claims are in proper form for allowance and respectfully request reconsideration and allowance thereof. A Notice of Allowance is requested.

The Examiner is invited to contact the undersigned representative to discuss the scope of this application, the prior art references, or to otherwise facilitate prosecution of this application.

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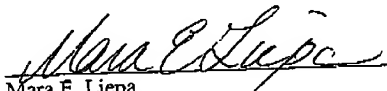
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Additionally, the Examiner is invited to contact the undersigned if he believes it would be beneficial to discuss the application and/or the prior art references with an inventor.

Respectfully submitted,

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